

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1972 of 2021**

1. Krishna Kumar Dixena S/o Late Viswantha Dixena Aged About 70 Years R/o Village Mungadiha, Post Bacsahi, Thana Pali, District Korba Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department , Mantralaya , Mahanadi Bhawan, Nawa Raipur , Atal Nagar , District Raipur Chhattisgarh.
2. Cheif Engineer Water Resources Department , Bilaspur , District Bilaspur Chhattisgarh.
3. Executive Engineer Water Resources Department , Korba Division Korba , District Korba Chhattisgarh
4. Sub Divisional Officer Water Resources Department , Sub Division Pali , District Korba Chhattisgarh.
5. Joint Director Treasury , Accounts And Pension, Bilaspur , District Bilaspur Chhattisgarh. **----Respondents**

For Petitioner	:	Shri C. Jayant K. Rao, Advocate.
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.06.2021**

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to consider the claim of the petitioner for grant of gratuity.
2. The petitioner in the present writ petition was working as daily wage employee under the respondents since 1978 and later on was regularized and finally stood retired from service on 30.06.2013. The petitioner now after a period of more than 7 years has filed the writ

petition demanding payment of gratuity. Counsel for the petitioner refers to the judgment of the Supreme Court in the case of **Netram Sahu Vs. State of Chhattisgarh and another** reported in (2018) 5 SCC 2 430 which originated from this Court vide Civil Appeal No.1254 of 2018 decided on 23rd of March, 2018.

3. Perusal of the record would show that the said order also was one which travelled to the High Court and the Supreme Court from the order of the Controlling Authority under the Payment of Gratuity Act, 1972.
4. Given the fact, reserving the right of the petitioner to approach the Controlling Authority under the Payment of Gratuity Act, the present writ petition stands disposed of. If the petitioner approaches the Controlling Authority, it is expected that the Controlling Authority while deciding the claim of the petitioner shall also take note of the judgment of the Supreme Court in the case of **Netram Sahu Vs. State of Chhattisgarh and another** (2018) 5 SCC 430.

Sd/-

P. Sam Koshy
Judge